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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas J. Shaw

Serial No.: 09/617,868  
Filing Date: July 17, 2000  
Group: 3763  
For: SYRINGE PLUNGER  
ASSEMBLY AND BARREL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §1.56, Applicant submits this statement.

This submittal is made in accordance with 37 C.F.R. §§1.97 and 1.98 and §609 of the Manual of Patent Examining Procedure. More particularly, this submittal is made in accordance with 37 C.F.R. §1.97(c) and is accompanied by the fee as set forth in §1.17(p). The publications and other information herein are listed on the attached Form PTO/SB/08B. Copies of the listed references on Form PTO/SB/08B are submitted herewith.

Also attached to this submission, as Exhibit A, is a list of possibly pertinent references. The references listed in Exhibit A, as well as the references listed in Form

PTO/SB/08B, were created for the litigation entitled *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division. This litigation settled without prejudice to the validity of the patents, and settled after the Markman decision and before trial. Besides the Order dated March 3, 2004 (See Exhibit A) that denies, without prejudice, NMT's summary judgment motions as premature, no order issued on any of the summary judgment motions filed by either party before settlement. If the Examiner would like copies of the references listed in Exhibit A, please inform the undersigned.

Applicant hereby expressly reserves the right to swear behind the effective dates of any of the above publications and to question the relevance and materiality of the publications listed herein, in whole, in part, or in combination, subsequent to filing this third supplemental information disclosure statement.

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Locke Liddell & Sapp LLP Deposit Account No. 12-1781.

Respectfully submitted,

By:   
Kristen R. Paris  
Registration No. 52,092

Date: September 15, 2004

LOCKE LIDDELL & SAPP LLP  
2200 Ross Avenue, Ste. 2200  
Dallas, TX 75201-6776  
(214) 740-8678  
(214) 740-8800 (fax)

### Exhibit A

- Plaintiff's Responses and Objections to Defendants' First Set of Interrogatories to Plaintiff dated December 17, 2002, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiff Thomas J. Shaw's Responses and Objections to Defendants' Second Set of Interrogatories and Requests for Production to Plaintiff Thomas J. Shaw dated July 21, 2003, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- NMT's Amended and Supplemental Responses to Retractable Technologies Inc.'s First Interrogatories to Defendants dated July 21, 2003, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiff Thomas J. Shaw's Responses and Objections to Defendants' Third Set of Interrogatories and Requests for Production to Plaintiff Thomas J. Shaw dated July 30, 2003, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiff Retractable Technologies Inc.'s First Supplemental Response to Defendants' First Set of Interrogatories to Plaintiff dated October 6, 2003, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Defendants' Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated January 6, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiffs' Response to Defendants' Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated January 26, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division **(Subject to Protective Order: Not to be Opened Except by Authorization of the Court)**.
- Defendants' Reply in Support of Their Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated February 3, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division **(CONFIDENTIAL. Filed pursuant to the Stipulated Protective Order entered on September 20, 2002 by Defendants, New Medical Technology, Inc., New Medical Technology, Ltd, and NMT Group PLC. This envelope contains a document or information which has been designated as confidential.)**.

- Plaintiffs' Summary Judgment Surreply Regarding Claims 10-12 of U.S. Patent No. 6,090,077 dated February 13, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division (**Subject to Protective Order: Not to be Opened Except by Authorization of the Court**).
- Order dated March 3, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Ludema, Kenneth C., Report on Invalidity of Claims [sic] 22 in Patent #5,578,011, March 9, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Ludema, Kenneth C., Report on Invalidity of Claims 10-12, 25, 26, 27, 28, 30-33, 35, 36, 39 and 41 in Patent #6,090,077, March 9, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Defendants' Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated March 23, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Memorandum in Support of Defendants' Motion for Summary Judgment of Noninfringement of U.S. Patent No. 5,578,011 dated April 9, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Defendants' Motion for Partial Summary Judgment of Invalidity of Claims 25-28, 30-33, 35 and 41 of U.S. Patent No. 6,090,077 dated April 9, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiffs' Motion for Partial Summary Judgment of Infringement of Claims 10-12 of U.S. Patent No. 6,090,077 dated April 9, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division (**Subject to Protective Order: Not to be Opened Except by Authorization of the Court**).
- Plaintiffs' Response to Defendants' Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated April 12, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division (**Subject to Protective Order: Not to be Opened Except by Authorization of the Court**).

- Defendants' Reply in Support of their Motion for Partial Summary Judgment of Invalidity of U.S. Patent No. 6,090,077 dated April 15, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Plaintiffs' Summary Judgment Surreply Regarding Claims 10-12 of U.S. Patent No. 6,090,077 dated April 26, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division.
- Videotape Oral Deposition of Thomas J. Shaw, Volume 1, February 25, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division (**CONFIDENTIAL – ATTORNEYS' EYES ONLY – Subject to a Protective Order**).
- Videotape Oral Deposition of Thomas J. Shaw, April 15, 2004, *Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al.*, No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division (**CONFIDENTIAL – ATTORNEYS' EYES ONLY – Subject to a Protective Order**).

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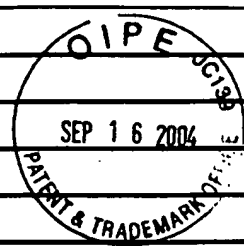
Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Sheet	1	of	1	Application Number	09/617,868
				Filing Date	July 17, 2000
				First Named Inventor	Shaw, Thomas J.
				Art Unit	3763
				Examiner Name	Simons, Kevin C.
				Attorney Docket Number	75329/77432

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	Memorandum Opinion dated March 2, 2004, Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al., cont.	
		No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division	
	2	Plaintiff Retractable Technologies, Inc. and Third-Party Defendant Thomas J. Shaw's Markman Brief dated February 28, 2003, cont.	
		Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al., No. 4:02-CV-34, U.S. District Court Eastern District, Sherman Division	
	3	Defendants' Markman Brief dated March 28, 2003, Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al., No. 4:02-CV-34, U.S. District Court, cont.	
		Eastern District, Sherman Division	
	4	Plaintiffs' Markman Reply Brief dated April 14, 2003, Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al., No. 4:02-CV-34, U.S. District Court, cont.	
		Eastern District, Sherman Division	
	5	Defendants' Final Invalidity Contentions dated April 21, 2004, Retractable Technologies, Inc. et al. v. New Medical Technology, Inc. et al., No. 4:02-CV-34, cont.	
		U.S. District Court Eastern District, Sherman Division	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.